

### **Remarks/Arguments**

Claims 1-5 are pending and are rejected.

Claim 1 is amended.

Responsive to the rejection of claims 1-5 under 35 U.S.C. 102(e) as being anticipated by US patent No. 6,177,931 ("Alexander"), applicants have amended claim 1 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention, and submits that Alexander does not anticipate amended claim 1, and dependent claims 2-5, for the reasons discussed below.

Applicants have amended claim 1 to further clarify that a "computer application software program" is capable of receiving electronic messages. Support for this amendment can be found, for example, on page 1, lines 20-23. An e-mail program is an example of a computer application software program. See FIG. 4, and page 8, lines 1-8. Applicants have also amended the receiving step in claim 1 to recite the following: "receiving, while said computer application software program is running, an advertisement associated with a broadcast television program." Support of the amendment can be found, for example, on page 7, lines 6-8. Specifically, amended claim 1 recites a method for operating a video processing apparatus comprising the steps of:

*operating a computer application software program on said video processing apparatus, said computer application software program capable of receiving electronic messages;*

*receiving, while said computer application software program is running, an advertisement associated with a broadcast television program;*

*causing said advertisement to be displayed;*  
*selecting said advertisement; and*  
*operating said video processing apparatus in a video operating mode for*  
*obtaining the broadcast television program in response to selecting said advertisement.*

By contrast, although Alexander, at col. 13, lines 36-45, states that an E-mail service (which may be interpreted as the computer application software program) can be provided, it does not disclose or suggest the features of receiving, while said computer application software program (the E-mail) is running, an advertisement associated with a broadcast television program; and operating said video processing apparatus in a video operating mode for obtaining the broadcast television program in response to selecting said advertisement, as recited in amended claim 1.

The Office Action appears to interpret the EPG as the computer application software program. An electronic programming guide (EPG), however, is not a computer application software program as recited in amended claim 1, because the EPG program does not permit a user to send and receive electronic messages to and from another user/computer. In fact, the present application specifically points out that the EPG program is not a computer application software program. See page 1, lines 11-30 of the present application.

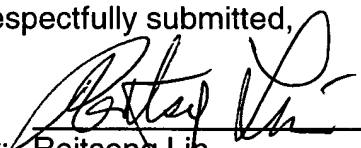
In light of the fact that Alexander does not disclose or suggest a method for operating a video processing apparatus comprising the steps of receiving, while the computer application software program is running, an advertisement associated with a broadcast television program, and operating the video processing apparatus in a video operating mode for obtaining the broadcast television program in response to selecting

the advertisement, as recited in amended claim 1, amended claim 1, and its dependent claims 2-5, are patentable over Alexander.

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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#### CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

7-25-05  
Date

Karen Schleich